148 (2)

No. : 09-616

Supreme Court, U.S.
FILED
DEC 17 2009
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In the

Supreme Court of the United States

WAYNE RITCHIE,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent,

-and-

ROBERT V. LASHBROOK, in his individual and in his official capacities; IKE FELDMAN, in his individual and official capacities,

Defendants.

PETITIONER'S SUPPLEMENTAL BRIEF

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December 2009

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PETITIONER'S SUPPLEMENTAL BRIEF

Respondent filed an express waiver of the right to file a brief in opposition. However, here, "honest dealing" with this Court required the government and its attorney, the Solicitor General of the United States, to make a full disclosure of the government's fraud on the court. *Shawkee Mfg. Co. v. Hartford-Empire Co.*, 322 U.S. 271, 273 (1944). Their "failure to do so under these circumstances aggravated the previous deception it had practiced on the ... courts". Id. The public welfare demands that the government and the Justice Department not stand mute before this Court when there is an affirmative duty to make "full disclosure" of the government's and its attorney's collusion with Feldman to submit Feldman's lies to the lower courts. Rather, silence by the Solicitor General represents a fresh fraud on this Court by the deliberate omission of the factual truth.

Furthermore, this Court's Rule 15.2 provides that "[c]ounsel are admonished that they have an obligation to the court to point out in the brief in opposition, and not later, any perceived misstatement made in the petition". Thus, the government is not challenging any factual statement in the petition.

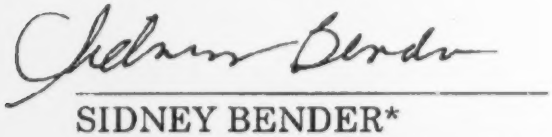
The respondent's failure to file a brief in opposition represents "other intervening matter not available at the time of the party's last filing" which entitles petitioner to file a supplemental brief. Rule 15.8.

CONCLUSION

The Petition for a Writ of Certiorari should be granted.

Dated: New York, New York
December 17, 2009

Respectfully submitted



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